

REMARKS

The following remarks and the above amendments are submitted to address all issues in this case, and to put this case in condition for allowance. The claims are amended solely to better define the subject matter of the claimed invention. No new matter is added in these amendments. The new claims are supported by disclosure in the specification and by the original figures and claims. After the above amendment, application claims 21-40 are pending in the application. Application claims 21, 33, 35 and 38 are independent.

Applicants have studied the Office Action Mailed October 2, 2002 and have the following remarks.

Drawings

Without admitting that the handgrip axis extending horizontally in a plane perpendicular to the wheel rotation axis is not shown in the drawings as originally presented, Applicants' new claims 21-40 lack such a limitation and therefore no drawing correction is believed necessary.

It is therefore believed that the drawings are acceptable and Applicants respectfully request the Examiner's withdrawal of that rejection.

35 U.S.C. § 112

The Examiner rejected claims 1-19 under 25 USC second paragraph for being indefinite, incomplete, and or unclear. Claims 1-20 have been cancelled in favor of claims 21-40. Without admitting that the Examiner was correct in these arguments, Applicants believe claims 21-40 are acceptable under 35 USC §112 and Applicants respectfully request the Examiner's withdrawal of that rejection.

35 U.S.C. §102

Sadow

The Examiner rejected the claims under 35 USC §102(e) as anticipated by Sadow (6,193,033). Applicants respectfully traverse the rejection on the grounds that Sadow fails to show: a towing handle connected to said distal end of said arm portion; said towing handle connected so that said towing handle can rotate relative to said distal end about at least two pivot axes; wherein said arm portion is moveable between extended and retracted positions relative to said piece of baggage such that said distal end of said arm portion is closer to said piece of baggage when the arm is in the retracted position than when the arm is in the extended position, as required by new prosecution claims 21, 33, and 38. Applicants further contend that Sadow fails to show: an arm portion having a length with opposite proximal and distal ends, said proximal end of said arm portion being operatively secured to said piece of baggage; a towing handle; and means for connecting said towing handle to said distal end of the arm portion, said means including a first shaft and a second shaft arranged so that said towing handle can rotate relative to said distal end about said first shaft and said second shaft; wherein the arm portion is moveable between extended and retracted positions relative to the piece of baggage such that the distal end of the arm portion is closer to said piece of baggage when the arm is in the retracted position than when the arm is in the extended position, as required by prosecution claim 35. As all other claims depend from these independent claims, Applicants therefore contend that new prosecution claims 21-40 are all allowable over Sadow.

In the Examiner's Office Action, the Examiner defines the arm portion as the portion labeled 50 in Sadow's FIG. 13. This portion is clearly not moveable relative to the baggage and

therefore Sadow does not and cannot anticipate the independent prosecution claims 21, 33, 35 and 38.

Further, If the Examiner defined the item 60 as visible in FIG. 12 of Sadow as the arm portion, the handle (which would then have to be item 58) does not rotate about two pivot axes relative to the distal end of that arm portion, and therefore Sadow still fails to anticipate.

Still further, Sadow lacks the positioning of a rotation axis, or the size of the intermediary member, as recited in claims 21 and 33 respectively and therefore cannot anticipate those claims and those that depend therefrom.

For these reasons, applicants contend that the new prosecution claims 21-40 are not anticipated by Sadow and respectfully request the Examiner withdraw his rejection thereto.

Liang '934

The Examiner rejected the claims under 35 USC §102(e) as anticipated by Liang '934 (5,339,934). Applicants respectfully traverse the rejection on the grounds that Liang '934 also fails to show: a towing handle connected to said distal end of said arm portion; said towing handle connected so that said towing handle can rotate relative to said distal end about at least two pivot axes; wherein said arm portion is moveable between extended and retracted positions relative to said piece of baggage such that said distal end of said arm portion is closer to said piece of baggage when the arm is in the retracted position than when the arm is in the extended position, as required by new prosecution claims 21, 33, and 38. Applicants further contend that Liang '934 fails to show: an arm portion having a length with opposite proximal and distal ends, said proximal end of said arm portion being operatively secured to said piece of baggage; a towing handle; and means for connecting said towing handle to said distal end of the arm portion, said means including a first shaft and a second shaft arranged so that said towing handle

can rotate relative to said distal end about said first shaft and said second shaft; wherein the arm portion is moveable between extended and retracted positions relative to the piece of baggage such that the distal end of the arm portion is closer to said piece of baggage when the arm is in the retracted position than when the arm is in the extended position, as required by prosecution claim 35. As all other claims depend from these independent claims, Applicants therefore contend that new prosecution claims 21-40 are all allowable over Liang '934.

In the Examiner's Office Action, the Examiner defines the arm portion as the portion labeled 26 in Liang '934's FIG. 3. This portion is clearly not moveable relative to the baggage such that the distal end is closer to the piece of baggage in one position than in another. Any movement is within sleeve 12 of Liang '934 and therefore appears to be parallel to the baggage, the arm 26 is not extensible toward and away from the baggage. Therefore, Liang '934 does not anticipate independent prosecution claims 21, 33, 35 and 38.

Further, If the Examiner defined the item 20 as visible in FIG. 2 of Liang '934 as the arm portion, the handle (which would then have to be item 22) does not rotate about two pivot axes relative to the distal end of that arm portion, and therefore Liang '934 still fails to anticipate.

Still further, Liang '934 lacks the positioning of a rotation axis, or the size of the intermediary member, as recited in claims 21 and 33 respectively and therefore cannot anticipate those claims and those that depend therefrom.

For these reasons, Applicants respectfully contend that the new prosecution claims 21-40 are not anticipated by Liang '934 and respectfully request the Examiner withdraw his rejection thereto.

Chen

The Examiner rejected the claims under 35 USC §102(e) as anticipated by Chen (6,434,790). Applicants respectfully traverse the rejection on the grounds that Chen fails to show: at least one of said at least two pivot axes is oriented substantially parallel to said wheel rotation axis; and said at least one pivot axis oriented substantially parallel to said wheel rotation axis is closer to said handle than to said piece of baggage when said arm portion is in said extended position, as required by new prosecution claim 21. As is clear from FIG 1 of Chen, the axis is closer to the piece of baggage in the extended position. Further, the proclaimed purpose of Chen is as a shock absorber, and placing the axis closer to the handle would defeat that purpose. Therefore, independent prosecution claim 21 is not anticipated by Chen.

Applicants further contend that Chen fails to show: an intermediary member having a length and pivotally connected to said distal end and said handle; wherein said arm portion is moveable between extended and retracted positions relative to said piece of baggage such that said distal end of said arm portion is closer to said piece of baggage when said arm is in said retracted position than when said arm is in said extended position; wherein said intermediary member allows pivotal movement of said intermediary member and said handle about a first one of said at least two pivot axes relative said distal end; wherein said intermediary member allows pivotal movement of said handle about a second one of said at least two pivot axes relative to both said intermediary member and said distal end; and wherein said length of said intermediary member is less than said length of said arm, as required by new prosecution claim 33. As is clear from FIG. 1 of Chen, any portion defined as such intermediary member would have to encompass most if not all of the arm, therefore independent prosecution claim 33 is not anticipated by Chen.

Applicants still further contend that Chen fails to show: means for connecting said towing handle to said distal end of said arm portion, said means including a first shaft and a second shaft arranged so that said towing handle can rotate relative to said distal end about said first shaft and said second shaft, as required by prosecution claim 35. Chen's buffer member is an elastic material (Col. 2 line 5), there is no indication that the rotation utilizes a shaft of any sort. Therefore, Chen cannot anticipate prosecution claim 35.

Applicants still further contend that Chen fails to show: pivotally moving said towing handle relative to said distal end about said at least two pivot axes in a manner such that said towing handle is oriented in a first direction when said arm is in said extended position; and pivotally moving said towing handle relative to said distal end about said at least two pivot axes in a manner such that said towing handle is oriented in a second direction when said arm portion is in said retracted position, as required by independent claim 38. Chen shows only motion about any one axis at any given time, not around both axes to create different positions relative to both axes between the extended and retracted positions. Therefore, Chen cannot anticipate the method steps of independent prosecution claim 38.

As all other claims depend from one of the above independent claims, Chen cannot anticipate claims 21-40 and therefore Applicants respectfully request the Examiner withdraw his rejection and allow prosecution claims 21-40 to pass through to issuance.

35 USC §103

The Examiner rejects the claims in light of either Sadow or Liang '934 from above in further view of Liang '080 (5,464,080). Applicants respectfully traverse the rejection on the grounds that Liang '080, also fails to show: a towing handle connected to said distal end of said arm portion; said towing handle connected so that said towing handle can rotate relative to said

distal end about at least two pivot axes; wherein said arm portion is moveable between extended and retracted positions relative to said piece of baggage such that said distal end of said arm portion is closer to said piece of baggage when the arm is in the retracted position than when the arm is in the extended position, as required by new prosecution claims 21, 33, and 38 and therefore no combination involving any of these references can show the elements of prosecution claims 21, 33, and 38. Applicants further contend that Liang '080 fails to show: an arm portion having a length with opposite proximal and distal ends, said proximal end of said arm portion being operatively secured to said piece of baggage; a towing handle; and means for connecting said towing handle to said distal end of the arm portion, said means including a first shaft and a second shaft arranged so that said towing handle can rotate relative to said distal end about said first shaft and said second shaft; wherein the arm portion is moveable between extended and retracted positions relative to the piece of baggage such that the distal end of the arm portion is closer to said piece of baggage when the arm is in the retracted position than when the arm is in the extended position, as required by prosecution claim 35. As all other claims depend from these independent claims, Applicants therefore contend that new prosecution claims 21-40 are all allowable over Liang '080.

Conclusion

In light of the above, Applicants respectfully request entrance of the above amendment and allowance of all pending claims so that this case can pass on to issue. As a final point, enclosed herewith is a petition and check for a three month extension of time as well as for the inclusion of an additional independent claim. It is believed no other fees are due in conjunction with this filing; however, the Commissioner is authorized to credit any overpayment or charge

any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975**.

If any questions remain, Applicants respectfully request a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,
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